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09/063,289 04/21/98 GAGNE

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EXAMINER

LM02/0310

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BASHORE, W

ART UNIT

PAPER NUMBER

2776

DATE MAILED:

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AIR MAIL

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.

09/063,289

Applicant(s)

Gagne, Rejean

Examiner

William L. Bashor

Group Art Unit

2776



☒ Responsive to communication(s) filed on Dec 20, 1999

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claim

☒ Claim(s) 1-11 is/are pending in the application

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration

☐ Claim(s) \_\_\_\_\_ is/are allowed.

☒ Claim(s) 1-11 is/are rejected.

☐ Claim(s) \_\_\_\_\_ is/are objected to.

☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☒ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some\* ☒ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

☒ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 3

☐ Interview Summary, PTO-413

☒ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

Art Unit: 2776

### **DETAILED ACTION**

1. This action is in response to communications: application filed on 4/21/1998, IDS filed on 12/20/1999.
2. Claims 1-11 are pending in this case. Claims 1, 4, 11 are independent claims.

### ***Specification***

1. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed. The following title is suggested:  
**System And Method For Accessing And Manipulating Time-Based Data In A Non-Linear Editing Environment Using Meta-Data Structures.**

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 2776

3. **Claims 1-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hill, U.S. Patent No. 5,930,797 issued July 1999, in view of Hamakawa et al. (Hereinafter Hamakawa), Object composition and playback models for handling multimedia data, ACM Proceedings of the conference on Multimedia '93, August 2-6, 1993, pp.273-281.**

**In regard to independent claim 1,** Hill teaches a method of positioning a first clip object representing a first selected time-based data source, with respect to a time-line, incorporating a start/duration time (please see Hill, column 4 lines 40-44, Figure 14 (S1); compare with claim 1(i) and 1(ii). Independent claim 1(i-ii) would have been obvious to one skilled in the art at the time of the invention in view of Hill, because of Hill's taught advantage of selection and graphical placement of data-clips, which are in turn included in non-linear editing as taught by Hill.

In addition, with reference to the above immediate paragraph, Hill teaches a method of selecting and positioning a second data-clip, comprising a different data type as compared to said first selected time-based data source (please see Hill, column 4 lines 30-35 (audio tracks); compare with claim 1(iii) and 1(iv). Independent claim 1(iii-iv) would have been obvious to one skilled in the art at the time of the invention in view of Hill, because of Hill's taught advantage of selection and graphical placement of multiple type data-clips, which are in turn included in non-linear editing as taught by Hill.

Art Unit: 2776

In addition, Hill teaches a method of incorporating an NLE system whereby a number of tracks can be selected/positioned (please see Hill, column 4 line 30; compare with claim 1(v)). Independent claim 1(v) would have been obvious to one skilled in the art at the time of the invention in view of Hill, because of Hill's taught advantage of multiple selection of data-clips, which is in turn included in non-linear editing as taught by Hill.

In addition, Hill teaches a method of non-linear editing (NLE), whereby one or more source clips are positioned in an editable graphical object utilizing start and duration times, and with said positioning relative to a time line (please see Hill, column 4 lines 43-45, 58-61, Figure 1). Even though Hill teaches the grouping of said data into NLE objects (Figure 1), Hill does not specifically teach a method of using an NLE object in cooperation with other objects, whereby said objects are positioned and re-mapped to a global time line. However, Hamakawa teaches an object composition model comprising multimedia objects, each with its own relative time line, temporally re-mapped with respect to a global time line in a box, utilizing "temporal glue" recalculation (please see Hamakawa p.274 column 1, Object Composition Model, sections: Temporal glue, Object hierarchy, relative location. Also see p.274 column 2, section Box, and p.275 Figure 4 (Box Example); compare with claim 1(vi)). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply the method of Hamakawa to the method of Hill, because of Hamakawa's taught advantage of automatic temporal re-mapping of time lines within groupings of multimedia objects, providing increased convenience (due to the

Art Unit: 2776

elimination for precise time line locations, please see Hamakawa p.277 column 2, near bottom) to the NLE method as taught by Hill.

In addition, Hill teaches a method whereby clip data can be selected and used as needed. Hill does not specifically teach a method of incorporating at least one meta-clip to a list of available resources. However, Hamakawa teaches a method incorporating a group of multimedia objects (please see Hamakawa p.275 Figure 4; compare with claim 1(vii)). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply the method of Hamakawa to the method of Hill, because of Hamakawa's taught advantage of hierarchically categorized composite objects, providing an increased number of object types to be used by the NLE system as taught by Hill.

**In regard to dependent claim 2**, Hill teaches a method of non-linear editing (NLE), whereby one or more source clips are positioned in an editable graphical object utilizing start and duration times, and with said positioning relative to a time line (please see Hill, column 4 lines 43-45, 58-61, Figure 1). Hill in view of Hamakawa teach the incorporation of composite data objects (please see the rejection of claim 1). Hill does not specifically teach a method of incorporating a meta-clip object in cooperation with other objects, whereby said objects within a meta-clip object are mapped to said meta-clip object, and in turn, mapped to a global time line. However, Hamakawa teaches an object composition model comprising multimedia objects, each with its own relative time line, temporally re-mapped with respect to a global time line in a box,

Art Unit: 2776

utilizing “temporal glue” recalculation (please see Hamakawa p.274 column 1, Object Composition Model, sections: Temporal glue, Object hierarchy, relative location. Also see p.274 column 2, section Box, and p.275 Figure 4 (Box Example); compare with claim 2). In addition, Hamakawa incorporates said composite objects within other composite objects in the form of a composite hierarchy, whereby all relative time lines are re-calculated as needed (please see Hamakawa p.274 Figure 3). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply the method of Hamakawa to the method of Hill in view of Hamakawa, because of Hamakawa’s taught advantage of hierarchical temporal re-mapping of time lines within groupings of multimedia composite objects, providing increased convenience (due to the elimination for precise time line locations, please see Hamakawa p.277 column 2, near bottom) to the NLE and composite object methods as taught by Hill in view of Hamakawa.

**In regard to dependent claim 3,** Hill teaches a method of incorporating filters and effects, which can be positioned and manipulated within the invention as disclosed by Hill (please see Hill column 1 lines 25-29; compare with claim 3). Claim 3 would have been obvious to one of ordinary skill in the art at the time of the invention, in view of Hill, because of Hill’s taught advantage of editable filters and effects, which in turn are examples of special effects applied to media editing systems (NLE) as taught by Hill.

Art Unit: 2776

**In regard to independent claim 4**, claim 4 incorporates substantially similar subject matter as claimed in claim 1, and in further view of the following, is rejected as such.

- (please see claim 1(i-vii); compare with claim 4(i-vii)).

In addition, claim 4(viii) is rejected using the Examiner's argument and rationale as set forth in the rejection of claim 1(v).

In addition, claim 4(ix-x) is rejected using the Examiner's argument and rationale as set forth in the rejection of claim 1(vi).

**In regard to dependent claim 5**, claim 5 incorporates substantially similar subject matter as claimed in claim 2, and is rejected as such.

**In regard to dependent claim 6**, claim 6 incorporates substantially similar subject matter as claimed in claim 3, and is rejected as such.

**In regard to dependent claim 7**, claim 7 incorporates substantially similar subject matter as claimed in claim 3, and in further view of the following, is rejected as such.

Hill teaches a method of incorporating filters and effects, which can be positioned and manipulated within an edit track (please see Hill Figure 1). Hill does not specifically teach a method of incorporating filters and effects to at least one meta-clip object. However Hamakawa teaches a method of composite objects incorporating media clips with relative time lines (please



Art Unit: 2776

see Hamakawa p.275 Figure 4; compare with claim 7). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply the method of Hamakawa to the method of Hill, because of Hamakawa's taught advantage of composite objects, providing an additional object type (including tracks) for the incorporation of filters and effects, as taught by Hill.

**In regard to dependent claim 8**, with reference to the rejection of claim 7, Hill does not specifically teach the use of operator(s) to modify data from each time-based data source in a meta-clip. However, Hamakawa teaches a method of a composite object "Box", incorporating a conglomeration of different media object types along with relative time lines assigned per said type, with said Box incorporated as a composite object within a hierarchy of objects (please see Hamakawa p.274 Figure 3, and p.275 Figure 4; compare with claim 8). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply the method of Hamakawa to the method of Hill, because of Hamakawa's taught advantage of composite objects, providing a conglomeration of track types available for the incorporation of filters and effects, as taught by Hill.

**In regard to dependent claim 9**, Hill in view of Hamakawa teach a method of non-linear editing, incorporating various media tracks, further incorporating said tracks within sets of hierarchically arranged composite objects (please see the rejections of claims 1-8). Hill in view

Art Unit: 2776

of Hamakawa do not specifically teach a method of examining each clip object represented by a meta clip object to determine any portion is outside of an altered duration. However, Hill teaches a method of clipping and stretching, whereby a clip is shortened or lengthened to reduce/increase its length (please see Hill column 4 lines 50-55; compare with claim 9(a)). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply the method of Hill to the method of Hill in view of Hamakawa, because of Hill's taught advantage of clipping/stretching, providing a means for altering various clips within composite objects as taught by Hill in view of Hamakawa.

In addition, Hill teaches a method of marking a media track with a mask, for the purpose of rendering portions of a clip inside said mask as active, and portions outside of said mask as inactive (please see Hill column 1 lines 50-60; compare with claim 9(b)). Claim 9(b) would have been obvious to one skilled in the art at the time of the invention in view of Hill, because of Hill's taught advantage of masking, providing a means for rendering clip portions active/inactive with respect to non-linear editing as taught by Hill in view of Hamakawa.

**In regard to dependent claim 10**, claim 10 is rejected using the Examiner's argument and rationale as set forth in the rejection of claim 9.

Art Unit: 2776

**In regard to independent claim 11**, claim 11 reflects the system comprising computer readable instructions used for performing the methods as claimed in claim 4, and in further view of the following, is rejected as such.

A computer comprising a storage device (ie. hard drive), a CPU, a display screen, and an input device (ie. mouse) are all well known in the art for implementing the system as claimed in claim 11 (argument is in reference to claim 11 lines 4-10).

- (please see claim 4 (I-x); compare with claim 11(a-f)).

### ***Conclusion***

4. The prior art made of record and not relied upon is considered pertinent to disclosure.

Amiot et al.	U.S. Patent No. 5,781,188	issued	July	1998
Escobar et al.	U.S. Patent No. 5,826,102	issued	October	1998
Cave	U.S. Patent No. 5,859,641	issued	January	1999
Schmidt et al.	U.S. Patent No. 5,999,692	issued	December	1999
Migos et al.	U.S. Patent No. 5,031,529	issued	February	2000

Ackermann, P., Direct manipulation of temporal structures in a multimedia application framework, Proceedings of the second ACM international conference on Multimedia '94, October 15-20, 1994, p.51-58.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to William Bashore whose telephone number is (703) 308-5807. The examiner can normally be reached on Monday through Friday from 8:30 AM to 5:00 PM.

Art Unit: 2776

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Razavi, can be reached on (703) 305-4713. The fax number to this art unit is (703) 308-6606.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.

6. **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

**or faxed to:**


(703) 308-9051, (for formal communications intended for entry)

**or:**

(703) 305-9724 (for informal or draft communications, please label  
"PROPOSED" or "DRAFT")

**Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive,  
Arlington, VA, Sixth Floor (Receptionist).**

W.L.B.  
3/4/2000

  
**STEPHEN S. HONG  
PRIMARY EXAMINER**